IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 24200 of 2007(E)

PETITIONER:

U.K.SARADAMMA,
W/O.LATE RAGHAVAN NAIR,
KORANGATT HOUSE,
PAVANDOOR PO, NANMANDA (VIA)
KOZHIKODE DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

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1. THE ASST. SECRETARY,
KERALA STATE HOUSING BOARD,EAST HILL, KOZHIKODE.

2. TAHSILDAR (REVENUE RECOVERY)
KOZHIKODE.

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF THE DOCUMENT NO. 2656/1984 OF THE SRO THAMARASSERY DATED 6.11.1984

EXT.P2 TRUE PHOTOCOPY OF THE NOTICE ISSUED BY FIRST RESPONDENT UNDER SECTION 49(2) OF THE RR ACT DATED 27.3.2006

EXT.P3 TRUE PHOTOCOPY OF THE OBJECTION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT DATED 15.5.2006

EXT.P4 TRUE PHOTOCOPY OF THE STATEMENT FILED BY FIRST RESPONDENT IN WPC 13557 OF 2006 DATED 14.2.2007

EXT.P5 TRUE COPY OF JUDGMENT IN WPC 13557 OF 2006 DATED 14.3.2007

EXT.P6 STRUE COPY OF APPLICATION SUBMITTED BY PETITIONER TO THE FIRST RESPONDENT DATED 20.3.2007

EXT.P7 TRUE COPY OF THE RECEIPT ISSUED BY THE FIRST RESPONDENT DATED 4.5.2007

EXT.P8 TRUE COPY OF NOTICE UNDER SECTION 49(2) OF THE RR ACT ISSUED BY THE SECOND RESPONDENT DATED NIL.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 24200 OF 2007

Dated this the 10th day of September, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for Housing Board. This is the second Writ Petition filed by the petitioner challenging recovery proceedings for recovery of arrears of housing loan availed. In the first W.P. this Court directed payment of Rs. 80,000/- as a condition for stay and for granting OTS benefit. Even though petitioner paid Rs. 80,000/- petitioner did not settle liability under OTS scheme. The prayer in the present W.P. is also for OTS benefit. According to the petitioner, petitioner has entered into agreement with somebody for sale of 20 cents of land for settlement of liability. A copy of the document is also produced. Even though this Court ordered payment of Rs. 50,000/- as a condition for granting stay, petitioner has not paid the same so far, but has applied for extension of time. Counsel for the petitioner pointed out that the purchaser of the property with whom petitioner has entered into agreement has some personal tragedies and execution of sale deed will be delayed. In any

case, since Housing Board had OTS benefit till July, 31,2007, and in view of payment of rs. 80,000/- earlier made I feel petitioner can still be extended the benefit of OTS benefit if Rs. 50000/- ordered by this court in terms of the interim order dated 8.8.2007 is paid at least by 25.9.2007. In the circumstances, there will be direction to respondents to withhold recovery proceedings till 25.9.2007 and if Rs. 50,000/- is paid, there will be direction to the Housing Board to grant last OTS benefit to the petitioner as a last chance to settle liability before 31.12.2007. However, if payment is not made by 31.12.2007 then second respondent will sell the mortgaged property and make payment of the entire liability to the Housing Board immediately after default.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge